

**GOVERNMENT OF INDIA
SHIPPING
LOK SABHA**

UNSTARRED QUESTION NO:1267
ANSWERED ON:26.02.2003
MISSING OF IMPORTED CONTAINERS
CHARAN DAS MAHANT

Will the Minister of SHIPPING be pleased to state:

- (a) whether the Supreme Court has asked the Union Government to submit the status report regarding missing of imported containers full of hazardous substances;
- (b) if so, the details of the report submitted by the Government to the Supreme Court;
- (c) whether it is also a fact that about 133 containers full of toxic, oils, scrap of III batteries and other hazardous substances imported after violating the international norms were found missing from the ports in India; and
- (d) if so, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI DILIPKUMAR MANSUKHLAL GANDHI)

(a) & (b): As per the directions of the Hon'ble Supreme Court, the Ministry of Environment and Forests had set up an Inquiry Committee under the Chairmanship of Shri A.C. Wadhawan, Ex-Chairman, Hindustan Zinc Limited. The Committee submitted its report in July, 2002. The Writ Petition No. 657 of 1995 is still pending before the Hon'ble Supreme Court. The report inter-alia has made following observations with regard to missing imported containers full of hazardous substances: -

(i) Inquiry Committee found that except in case of Mumbai Port Trust and ICD, Bangalore, revised figures for the stocks lying at various Ports / ICDs / CFSS have been furnished. The reasons cited for revising the figures from what was reported earlier in the report of the High Powered Committee (HPC), headed by Prof. M.G.K. Menon are non-availability of old records due to their manual upkeep at ICD, Tughlakabad and Kandla Port Trust (since computerized), errors in the computation of number of containers at Jawaharlal Nehru Port Trust, Nhava Sheva, and lack of awareness in the beginning at respective Ports/ICDs/CFSS as to what precisely constitutes hazardous wastes as explained at Kolkata Port Trust.

(ii) Kandla Port Trust furnished revised figures with the explanation that earlier figures were based on the general description of cargo as mentioned in the Import General Manifest (IGM) by the shipping agents without confirmation from the Commissioner of Customs, Kandla who is the competent authority to classify cargo as hazardous wastes or otherwise.

(iii) Respective authorities at Ports / ICDs / CFSS continued to release imported consignments of zinc ash / skimmings, lead scrap, waste oil, etc., on the basis of EXIM Policy brought out by the Directorate General of Foreign Trade (DGFT) in accordance with the Foreign Trade (Development and Regulation) Act, 1992. Chennai and Kandla Port Trusts also reported release of waste oil as per the directions issued by the Central Board of Excise and Customs (Department of Revenue) dated 17.10.1997 to clear the congestion at respective ports.

(iv) Authorities at Container Freight Station, Ludhiana reported release of large consignments of waste oil (2,334 containers containing 41,425 MT waste oil and 16,748 drums containing waste oil) in accordance with the orders of the Haryana and Punjab High Court under writ petitions filed by individual importers.

(v) Kandla Port Trust authorities reported release of ISRI-grade waste material like zinc scrap (6902.929 MT), lead scrap (45961.195 MT) and battery scrap (4657.08 MT) being free for import without any restriction under EXIM Policy.

(c) and (d): As far as the illegal import of 133 containers containing waste oil is concerned, these were seized at Nhava Sheva Port, District Raigarh, Maharashtra. The Department of Customs and Maharashtra Pollution Control Board have initiated legal action against the importers of seized containers.